

Rule 12. Facilities Engaged in Sand, Gravel, Dimension Stone, or Crushed Stone Operations

327 IAC 15-12-1 Purpose

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 1. The purpose of this rule is to regulate wastewater discharges from sand, gravel, dimension stone, and crushed stone operations which utilize sedimentation basin treatment for:

- (1) pit dewatering;
- (2) channel machines;
- (3) broaching;
- (4) jet piercing;
- (5) scrubber water from wet scrubbers used for air pollution control;
- (6) dust suppression spray water;
- (7) wash water from spray bars for final screening operations; and
- (8) noncontact cooling water for cooling of:
 - (A) crusher bearings;
 - (B) drills;
 - (C) saws;
 - (D) dryers;
 - (E) pumps; and
 - (F) air compressors;

so that the public health, existing water uses, and aquatic biota are protected. (*Water Pollution Control Board; 327 IAC 15-12-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2303*)

327 IAC 15-12-2 Definitions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3-1.5; IC 13-7-1

Sec. 2. In addition to the definitions contained in IC 13-7-1 and IC 13-1-3-1.5 and in 327 IAC 5 and 327 IAC 15-1-2, the following definitions apply throughout this rule:

- (1) "4 × yearly sample frequency" means the performance of the associated monitoring once any time during each of the four (4) annual quarters:
 - (A) January-February-March;
 - (B) April-May-June;
 - (C) July-August-September; and
 - (D) October-November-December.
- (2) "Broaching" means a drilling method whereupon successively larger and deeper holes are cut into the stone until the stone is removed between the holes. Water is used to control dust, wash away stone chips, and cool the drill.
- (3) "Channel machine" means a long, semi-automated, multiple-head chisel machine used primarily to quarry limestone. Stone chips created during chiseling must be washed constantly away with water.
- (4) "Concentration" means the mass of any given material present in a unit volume of liquid. Unless otherwise indicated in this rule, concentration values shall be expressed in milligrams per liter (mg/l).
- (5) "Feldspar" means any of a group of crystalline minerals that consists of aluminum silicates with either potassium, sodium, calcium, or barium.
- (6) "Feldspathic" means relating to or containing feldspar.
- (7) "Ilmenite" means an iron black mineral composed of iron, titanium, and oxygen.
- (8) "Jet piercing" means fuel oil forced under pressure through a nozzle producing a high velocity jet flame which is combined with a stream of water to cut a channel by disintegration.
- (9) "Pit dewatering" means any water that is impounded or that collects in the pit and is pumped, drained, or otherwise removed from the pit through the efforts of the pit operator. This term shall also include wet pit overflows caused solely by direct rainfall and/or ground water seepage.
- (10) "Settleable solids" means that matter measured by the volumetric method specified in 40 CFR 434.64, which is: Fill an Imhoff cone to the one (1) liter mark with a thoroughly mixed sample. Allow to settle undisturbed for forty-five (45)

minutes. Gently stir along the inside surface of the cone with a stirring rod. Allow to settle undisturbed for fifteen (15) minutes longer. Record the volume of settled material in the cone as milliliters per liter (ml/l). Where a separation of settleable and floating materials occurs, do not include the floating material in the reading. The method detection limit for measuring settleable solids shall be four-tenths (0.4) ml/l.

(11) "TSS" or "total suspended solids" means the mass of suspended matter in wastewater retained on a standard glass fiber filter after filtration of a well-mixed sample and after drying for one (1) hour at one hundred three degrees Celsius (103°C). (Water Pollution Control Board; 327 IAC 15-12-2; filed May 25, 1994, 11:00 a.m.: 17 IR 2303; errata filed Jul 11, 1994, 3:00 p.m.: 17 IR 2658)

327 IAC 15-12-3 Applicability

Authority: IC 13-14-8; IC 13-14-9; IC 13-15-1-2; IC 13-15-2-1; IC 13-18-3

Affected: IC 13-11-2; IC 13-18-4

Sec. 3. (a) This rule applies to all persons who:

- (1) meet the NPDES general permit rule applicability requirements under 327 IAC 15-2-3; or
- (2) have an existing point source discharge of wastewater controlled by a valid individual NPDES permit.

(b) Facilities not authorized to discharge by this NPDES general permit rule and are required to obtain an individual NPDES permit are as follows:

(1) Crushed stone operations utilizing flotation agents to remove impurities from marble or other carbonaceous rock. The flotation agents utilized include:

- (A) organic amines;
- (B) fatty acids; and
- (C) pine oils.

(2) Industrial sand operations utilizing:

- (A) acid flotation to effect removal of iron oxide and ilmenite impurities;
- (B) alkaline flotation to remove aluminate bearing materials; or
- (C) hydrofluoric acid flotation for removal of feldspar.

(3) Industrial sand operations utilizing the acid leaching

process. The acid leaching process pertains to the removal of iron from feldspathic sand for use in glass manufacturing. A strong hydrochloric or sulfuric acid is used.

The types of process wastewater identified in this subsection can contain varying concentrations of substances that may require water quality based effluent limits or best professional judgment limits. (Water Pollution Control Board; 327 IAC 15-12-3; filed May 25, 1994, 11:00 a.m.: 17 IR 2303; errata filed Jul 11, 1994, 3:00 p.m.: 17 IR 2658; filed Jan 14, 1997, 12:00 p.m.: 20 IR 1478)

327 IAC 15-12-4 General permit rule boundary

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 4. Facilities existing within the boundaries of Indiana affected by this rule are regulated under this rule. (Water Pollution Control Board; 327 IAC 15-12-4; filed May 25, 1994, 11:00 a.m.: 17 IR 2304)

327 IAC 15-12-5 NOI letter requirements under this rule

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 5. (a) In addition to the NOI letter requirements contained in 327 IAC 15-3, a person regulated under this rule must identify in the NOI letter each point source discharge regulated under this rule. This identification of point source discharge shall include the following:

- (1) The discharge location of each outfall and its associated receiving stream.
- (2) The type of wastewater discharged through each outfall.
- (3) An identifying outfall number. The numbering shall start at 001 for the first outfall, 002 for the second outfall, and continue in that manner until all outfalls are numbered.
- (4) A topographical map identifying the location of the operation, the receiving stream(s), and the location of each numbered outfall.

(b) The NOI letter must also include proof of publication of the following statement in a newspaper of largest circulation in the area of the discharge:

"(Your facility name, address, address of the location of the discharging facility, and the stream(s) receiving the discharge(s)) is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under 327 IAC 15-12 to discharge wastewater associated with sand, gravel, dimension stone, or crushed stone operations. Any person aggrieved by this action may appeal in writing to the Technical Secretary of the Water Pollution Control Board for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:

Technical Secretary
Water Pollution Control Board
P.O. Box 6167
Indianapolis, Indiana 46206-6167".

(c) Following submittal of a NOI letter to IDEM and publication in the newspaper by the person requesting coverage under subsection (b), IDEM shall do the following:

- (1) Review the NOI for applicability pursuant to section 3 of this rule and for compliance with the requirements of subsection (a).
- (2) List this facility, the NPDES general permit tracking number, and the information contained in this notice in a monthly publication to be distributed by IDEM to all persons who have asked to receive NPDES general permit rule notification. This monthly publication shall be issued by IDEM on the fifteenth day of every month and shall identify all facilities which met both the NOI and newspaper publication requirements in the preceding month.

Requests to be placed on the NPDES general permit rule notification list shall be mailed or delivered to the address at 327 IAC 15-3-1.

(d) IDEM's monthly publication will also contain the following instructions:

"Any person aggrieved by this action may appeal in writing to the Technical Secretary of the Water Pollution Control Board for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the publication date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) identify the NPDES general permit rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES general permit rule. If any person filing such objections desires any part of this NPDES general permit rule to be stayed pending the outcome of the appeal, a specific request for such must be included in the request, identifying those parts of the rule to be stayed.

Any such request shall be mailed or delivered to:

Technical Secretary
Water Pollution Control Board
P.O. Box 6167
Indianapolis, Indiana 46206-6167".

(Water Pollution Control Board; 327 IAC 15-12-5; filed May 25, 1994, 11:00 a.m.: 17 IR 2304; errata filed Jul 11, 1994, 3:00 p.m.: 17 IR 2658)

327 IAC 15-12-6 Deadline for submittal of NOI letter; additional information

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 6. (a) For any person operating under an existing individual NPDES permit, that regulates a wastewater discharge affected by this NPDES general permit rule, the information required under 327 IAC 15-3 shall be submitted to the commissioner any time between the effective date of the existing individual NPDES permit and one hundred eighty (180) days prior to the expiration date of the existing individual NPDES permit, unless the commissioner determines that a later date is acceptable. For any person operating under an individual NPDES permit that regulates a wastewater discharge affected by this NPDES general permit rule and that has expired and has been administratively extended, the information required under 327 IAC 15-3 shall be submitted to the commissioner within ninety (90) days of the effective date of this NPDES general permit rule, unless the commissioner determines that a later date is acceptable.

(b) For a person proposing a new discharge, the information required under 327 IAC 15-3 shall be submitted to the commissioner fifteen (15) days before the date on which the discharge is to commence as allowed in 327 IAC 15-3-3. (*Water Pollution Control Board; 327 IAC 15-12-6; filed May 25, 1994, 11:00 a.m.: 17 IR 2305*)

327 IAC 15-12-7 General conditions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 7. (a) A person regulated under this rule is authorized to discharge all wastewaters regulated under this rule through the outfalls identified in the NOI letter in accordance with this rule. Such discharge shall be limited and monitored as specified below:

| Parameter | Daily | Daily | Weekly | Units | Measurement | Sample Type |
|-----------|---------|---------|---------|-------|-------------|---------------|
| | Minimum | Maximum | Average | | Frequency | |
| Flow |) | Report |) | MGD | 4XYearly | Instantaneous |
| TSS |) |) | 30 | mg/l | 4XYearly | Grab |
| pH | 6.0 | 9.0 |) | s.u. | 4XYearly | Grab |

(b) A person regulated under this rule shall comply with the following additional discharge requirements:

- (1) The discharge shall not cause excessive foam in the receiving waters.
- (2) The discharge shall be essentially free of floating and settleable solids.
- (3) The discharge shall not contain oil or other substances in amounts sufficient to create a visible film or sheen on the receiving waters.
- (4) The discharge shall be free of substances that are in amounts sufficient to be unsightly or deleterious or which produce color, odor, or other conditions in such a degree as to create a nuisance.

(c) A person regulated under this rule shall comply with the following sampling requirements:

- (1) Samples taken in compliance with the monitoring requirements in this section shall be taken at a point representative of the discharge but prior to entry into waters of Indiana.
- (2) The analytical and sampling methods used shall conform to the current version of 40 CFR 136 as referenced in 327 IAC 5-2-13(d)(1).
- (3) Samples and measurements taken as required in this section shall be representative of the volume and nature of the monitored discharge.

(d) A person regulated under this rule shall comply with the following reporting requirements:

- (1) Monthly discharge monitoring reports shall be submitted to the data management section at the address listed in 327 IAC 15-3-1, containing results obtained during the previous month and shall be postmarked no later than the twenty-eighth day of the month following each completed monitoring period. During a month in which no discharge occurs, a person regulated under this rule shall submit the report stating that no discharge occurred.
- (2) For each measurement or sample taken pursuant to the requirements of this rule, the facility shall record the following information:

- (A) The exact place, date, and time of sampling.
- (B) The person(s) who performed the sampling or measurements.
- (C) The dates the analyses were performed.
- (D) The person(s) who performed the analyses.
- (E) The analytical techniques or methods used.
- (F) The results of all required analyses and measurements.

(3) Monitoring of any pollutant at the location(s) identified in the NOI letter more frequently than required under this rule, using approved analytical methods, the results of such monitoring shall be included in the calculation and reporting of the values required in the monthly discharge monitoring report. Such increased frequency shall also be indicated in this report.

(4) All records and information resulting from the monitoring activities required under this rule, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years. When the original records are kept at another location, a copy of all such records shall be kept at the facility. The three (3) year period shall be extended:

(A) automatically during the course of any unresolved litigation regarding the discharge of pollutants by the facility or regarding promulgated effluent guidelines applicable to the facility; or

(B) as requested by the regional administrator or the Indiana department of environmental management.

(Water Pollution Control Board; 327 IAC 15-12-7; filed May 25, 1994, 11:00 a.m.: 17 IR 2305)

327 IAC 15-12-8 Standard conditions

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 8. In addition to the conditions set forth in this rule, the standard conditions for the NPDES general permit rule under 327 IAC 15-4 shall apply also to this rule. *(Water Pollution Control Board; 327 IAC 15-12-8; filed May 25, 1994, 11:00 a.m.: 17 IR 2306)*

327 IAC 15-12-9 Inspection and enforcement

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 9. (a) The commissioner and/or designated representative may inspect any facility regulated under this rule at any time.

(b) Any person violating any provision of this rule shall be subject to enforcement and penalty as set forth under 327 IAC 15-1-4. *(Water Pollution Control Board; 327 IAC 15-12-9; filed May 25, 1994, 11:00 a.m.: 17 IR 2306)*

327 IAC 15-12-10 Duration of coverage

Authority: IC 13-1-3-4; IC 13-1-3-7; IC 13-7-7; IC 13-7-10-1

Affected: IC 13-1-3; IC 13-7

Sec. 10. Coverage under this rule is granted by the commissioner for a period of five (5) years from the date coverage commences. To obtain renewal of coverage under this general permit rule, the information required under 327 IAC 15-3 shall be submitted to the commissioner within ninety (90) days of the termination of coverage under this NPDES general permit rule, unless the commissioner determines that a later date is acceptable. *(Water Pollution Control Board; 327 IAC 15-12-10; filed May 25, 1994, 11:00 a.m.: 17 IR 2306)*